

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Massachusetts at Worcester

Francis Harvey & Sons, Inc.  
V.

SUMMONS IN A CIVIL ACTION

Commissioner of the Internal  
Revenue Service

CASE NUMBER:

04-40228 FDS

TO: (Name and address of Defendant)

Commissioner of the Internal Revenue Service  
Appeals Office  
10 Causeway Street  
Room 493  
Boston, MA 02222

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Steven M. LaFortune  
LaFortune & LaFortune  
89 Main Street  
Andover, MA 01810

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TONY ANASTAS

CLERK

(By) DEPUTY CLERK

Sherry Jones

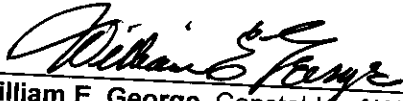
DATE

11-3-04

**Docket/Case No: 04-40228FDS**

I hereby certify and return that today, November 18, 2004, at 10:45 AM, I served a true and attested copy of the within Federal Summons and Complaint upon the within named U.S. Attorney, by giving in hand to Marianne Bellemere, Legal Assistant and Agent in Charge to accept service. Said service was effected at: U.S. Attorney, Harold D. Donohue, Federal Building and Courthouse, 595 Main Street Suite 206, Worcester, MA 01608.

Signed under the pains and penalties of perjury today, November 18, 2004.



**William E. George**, Constable of Worcester  
& Disinterested Person over Age 18. Total Fees: \$40.00

**George & Associates**

340 Main Street #608

Worcester, MA, 01608-1665

(508) 755-1129 , (508) 755-4447 Fax

**UNITED STATES OF AMERICA**  
**Federal Court**

District of Massachusetts  
at Worcester

Docket # 04-40228

Francis Harvey & Sons, Inc.

Plaintiff

v.

Commissioner of the Internal Revenue Service

Defendant

**Certificate Of Service For Complaint and Summons**

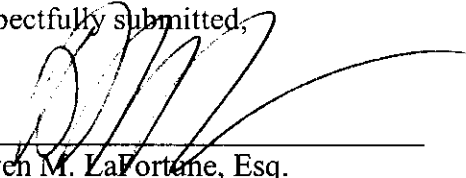
I, Steven M. LaFortune, Esq., hereby certify as follows:

1. I am counsel for the Plaintiff, Francis Harvey & Sons, Inc.
2. I have effectuated service in accordance with Rule 4 of the Federal Rules of Civil Procedure as follows:
  - (a) According to the Constable's Return of Service (see attached) , on November 18, 2004, a copy of the Complaint and Summons was served to the Civil Process Clerk at the Office of the United States Attorney, Harold D. Donohue Federal Building and Courthouse, 595 Main Street, Room 206, Worcester, MA 01608;
  - (b) On or about November 16, 2004, via letter, a copy of the Complaint and Summons was sent certified mail, return receipt requested, to the Attorney General of the United States, Department of Justice, 950 Pennsylvania Avenue, NW, Room 4545, Washington, DC 20530. According to the enclosed green certified mail receipt card, the Attorney General received the letter enclosing the summons and complaint on November 18, 2004;;
  - (c) On or about November 17, 2004, via letter, a copy of the Complaint and Summons was sent certified mail, return receipt requested to the Commissioner of the Internal Revenue Service, Appeals Office, 10 Causeway Street, Room 493, Boston, MA 02222. According to the

enclosed green certified mail receipt, the IRS received the letter enclosing the summons and complaint on November 19, 2004; and

- (d) On or about November 17, 2004, via letter, a copy of the Complaint and Summons was sent certified mail, return receipt requested, to the Commissioner of the Internal Revenue Service, 1111 Washington Avenue, NW, Washington, DC 20224. According to the green certified mail receipt, the IRS received the letter enclosing the summons and complaint on November 24, 2004.

Respectfully submitted,



Steven M. LaFortune, Esq.  
LaFortune & LaFortune  
89 Main Street  
Andover, MA 01810  
978-475-6177

Counsel for plaintiff  
John Harvey

Dated: December 23, 2004

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION FOR DELIVERY	
<p>1. Article Addressed to:</p> <p>Commissioners of the Internal Revenue Service Appeal Office 10 Causeway St. Rm. 493 Boston, MA 02222</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p>B. Received by (Printed Name) <i>[Signature]</i> Date <i>Nov 9 2004</i></p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label) <b>7002 2410 0006 0176 9027</b></p> <p>PS Form 3811, August 2001</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

102595-02-M-154

Domestic Return Receipt